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## Congressional Record - The Railroad Rules Dispute

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# Senate

THURSDAY, JULY 25, 1963

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, who art in heaven, on the earth, and in all Thy works, and who dwelleth in contrite hearts who give Thee room, our glad and grateful hearts are singing "This is my Father's world, He shines in all that is fair, He speaks to me everywhere."

We pause in the midst of thronging duties and confused issues to commune with Thee, source of goodness and beauty and truth. May we know no glory but the supreme satisfaction of rendering to the Nation and to the world selfless service unsullied by base motives. Keep us free, we pray, from pessimism, cynicism, and despair, that we may be used of Thee to advance on earth Thy kingdom of love and freedom, of joy and of peace.

With the golden gift of this new day, we pledge at this white altar of devotion integrity of character and clean hands in the high and holy calling as servants of the Republic in a day which calls for our utmost and best.

For Thy name's sake. Amen.

## THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, July 24, 1963, was dispensed with.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

## REPORT OF NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the District of Columbia:

*To the Congress of the United States:*

In accordance with the provisions of section 5(a) of Public Law 307, 73d Congress, approved June 12, 1934, I transmit herewith for the information of the Congress the report of the National Capital Housing Authority for the fiscal year ended June 30, 1962.

JOHN F. KENNEDY.

THE WHITE HOUSE, July 25, 1963.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its

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reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6518. An act to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution;

H.R. 7195. An act to amend various sections of title 23 of the United States Code relating to the Federal-aid highway systems; and

H.R. 7638. An act to authorize additional appropriations for prosecution of the comprehensive plan in the Los Angeles-San Gabriel River Basin.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 489. An act to amend the act of March 5, 1938, establishing a small claims and conciliation branch in the municipal court for the District of Columbia;

S. 490. An act to amend the act of July 2, 1940, as amended, relating to the recording of liens on motor vehicles and trailers registered in the District of Columbia, so as to eliminate the requirement that an alphabetical file on such liens be maintained; and

S. 1036. An act to amend the inland and western rivers rules concerning anchor lights and fog signals required in special anchorage areas, and for other purposes.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Public Works:

H.R. 6518. An act to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution;

H.R. 7195. An act to amend various sections of title 23 of the United States Code relating to the Federal-aid highway systems; and

H.R. 7638. An act to authorize additional appropriations for prosecution of the comprehensive plan in the Los Angeles-San Gabriel River Basin.

## LIMITATION OF STATEMENTS DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

## EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Edward D. Re, of New York, to be a Member of the Foreign Claims Commission, which was referred to the Committee on the Judiciary.

The VICE PRESIDENT. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

## POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

## THE RAILROAD RULES DISPUTE

Mr. MANSFIELD. Mr. President, today the American railroads announced that they would postpone the initiation of new work rules for another 30 days. This represents the seventh time the carriers have postponed putting these rules into effect.

I believe I speak for the entire Senate when I express high praise for the good faith the carriers have shown in this matter. They have once again demonstrated the kind of industrial statesmanship that is essential for the economic health of the country. What is even more gratifying is that the carriers took this action independently and without formal action by the Congress.

As Members are aware, the distinguished senior Senator from Rhode Island [Mr. PASTORE] and the chairman of the House Interstate and Foreign Commerce Committee, Representative HARRIS, had urged the carriers to postpone the initiation of the new rules until Congress could consider the President's plan for settling the issues between the railroads and the operating unions. In addition, the minority leader and I, along with the Senator from New York



[Mr. JAVITS] and the Senator from Oregon [Mr. MORSE], had intended to offer a concurrent resolution calling on both sides to refrain from any action which would disrupt rail service until 30 days had elapsed, during which time the Congress would have had opportunity to act. I am grateful, too, as I am sure the distinguished minority leader [Mr. DIRKSEN] is, to the Honorable George Meany, president of the AFL-CIO, for suggesting such a resolution.

The action of the carriers has made the resolution unnecessary. The carriers have once again shown their bonafides. Now, Mr. President, the responsibility for a similar demonstration of good faith rests on the Congress and the brotherhoods. It will serve little purpose if, at the end of 30 days, no congressional action has been taken to bring about a resolution of the dispute. We should seize this opportunity to act—expeditiously and wisely—on legislation that will make possible a resolution by reason at the conference table, instead of a stalemate of force on the picket lines.

The distinguished minority leader [Mr. DIRKSEN] and I intend to do everything in our power to give this body a fair chance to act on the President's program. Senators understand the unhappy situation in which we find ourselves regarding the holding of committee meetings during sessions of the Senate. While the objections that have been made have nothing to do with the rail dispute, inevitably they prevent the Commerce Committee from meeting to consider that bill, while at the same time disabling the Judiciary Committee from considering civil rights legislation. Because of the splendid cooperation and high public spirit of the Senator from Rhode Island and his colleagues on the Commerce Committee, these objections have not prevented the committee from meeting in the evening on the railroad question.

To assist the committee in meeting during more normal hours, we shall move to adjourn the Senate from today until Monday, and we shall not attempt to bring up major legislation today, in order that we may conclude our labors at a reasonably early hour. We understand the Commerce Committee plans to meet this afternoon, twice tomorrow, and on Saturday.

Clearly the committee intends to respond to the carriers' good faith by expediting its consideration of the President's bill. We believe the Senate will do the same when it receives the bill.

Lastly, Mr. President, I should like to make a few remarks on the proposal offered by the President.

In the New York Times of July 25, 1963, there appears a letter to the editor by the Secretary of Labor, Mr. Willard Wirtz. In challenging the accuracy of two critical Times' editorials on the President's legislative proposal for a settlement of the railroad dispute, Mr. Wirtz has proven again that he is a man of exceptional honesty and directness.

His challenge is well rooted in accuracy, for it is not accurate, as the editorials purport, that changes in work rules

will be delayed for 2 years; and it is not accurate, as the newspaper purports, that the proposal is simply another "time-wasting study" or an "entering wedge for permanent administrative" control over labor-management decisions.

Mr. Wirtz properly, it seems to me, challenges the implied preference of the editorials for seizure or compulsory arbitration over the President's proposal which is designed to avoid both of these drastic courses, and then arguing, in effect, that this would be the best way to preserve the collective bargaining process.

The truth of the matter is, Mr. President, that the administration is doing its best to safeguard the interests of the general public, as well as those of the two parties to the difficulty. The railroad companies have a real problem in trying to modernize their operations so that they can compete effectively in an era of rapid technological changes. But would the New York Times suggest that the problems of the Brotherhoods are any less real? Indeed, they have a most serious human problem in trying to protect their members—some of whom have given most of their lives to railroading—from the economic and other hardships which rapid technological change would impose upon them.

To say that the government has a responsibility for preventing a strike, as the Times States, and then to suggest that it has no responsibility for seeing that the settlement of the dispute is equitable to all concerned, is a most irresponsible and callous position. I cannot accept the implied premise of these editorials, Mr. President, that the only thing that matters is technological progress. The human cost also matters, at least as much.

It seems to me, Mr. President, that the President's proposals—whatever shortcomings, if any, they may have—are at the least an honest and human effort to meet a difficult problem on a temporary basis and with minimum government involvement. They are infinitely to be preferred to seizure or compulsory arbitration which would involve drastic government intervention. Instead of criticizing this effort—and doing so on the basis of an erroneous reading of the proposals—one would hope for a constructive contribution from an editorial page with the great and deserved reputation for public service of the New York Times. I commend Secretary Wirtz for the accuracy, directness, and conviction of his response of July 25 to the editorials entitled "A Featherbed Solution," published in the New York Times of July 23, and "A Dangerous Precedent," in the issue of July 24, and ask unanimous consent that both editorials and the response thereto be printed at this point in the Record.

There being no objection, the editorials and the letter were ordered to be printed in the Record as follows:

[From the New York Times, July 23, 1963]

#### A FEATHERBED SOLUTION

The author of "Profiles in Courage" has run away from a tough decision to embrace a politically easy one.

Once again the White House has knuckled under to the unions' intransigence on the railroads. The President's announcement that he will seek legislation referring the 4-year-old dispute over featherbedding to the Interstate Commerce Commission would postpone indefinitely—and perhaps forever—the elimination of unneeded train jobs that push the carriers a half billion dollars closer to bankruptcy every year. He leaves Congress the alternative of doing nothing and thereby accepting the inevitability of a nationwide strike.

The ICC has no special competence in this field. Its members cannot be expected to appraise the incredibly complex issues of work rules and manning practices with anything like the expertness of the able Presidential commission that submitted its recommendations for squeezing out manpower waste nearly 18 months ago. President Kennedy made that report an exercise in futility by walking away from it on the very day it was presented. He knew the unions would reject it.

Since then the railroads have said "Yes" and the brotherhoods have said "No" both to the peace plan put forward by a Presidential Emergency Board under the Railway Labor Act and to the supplementary settlement formula suggested by Secretary of Labor Wirtz. Now, faced with the choice between a national rail strike and the necessity for forcing a showdown through legislation, President Kennedy retreats into another time-wasting study under circumstances which give the unions every encouragement for continuing to veto the economies essential both for the railroads and for the job security of those workers whose jobs are genuinely needed.

The employers are confronted with the prospect of a 2-year wait before they can hope to reap any of the savings permitted by technological change, with no real reason for belief that the same political considerations that dictated the President's decision will not again frustrate any basic change in their archaic work rules. Mr. Kennedy even hints that the cost can be lifted from their pocketbooks by the usual expedient of passing it to the public in higher rates. The parallel announcement by Mr. Kennedy that he will appoint a Presidential commission on the general problems of automation could not be more ill timed. The precedent he is setting in the railroads is bound to undermine public confidence in the new body even before it begins work.

The inescapable lesson of the entire experience is that Congress must give priority attention to a reappraisal of all our legal safeguards against emergency strikes and the abuse of union power. Waiting for the crisis always leads to political evasions that may prove as damaging in their end effects as the strikes they were designed to avert. President Kennedy has taken the easy way out, and a way that can only do harm to the country, the railroads and, in the long run, to labor as well.

[From the New York Times, July 24, 1963]

#### A DANGEROUS PRECEDENT

In his testimony yesterday on the administration's bill to refer the railway featherbedding controversy to the Interstate Commerce Commission, Secretary of Labor Wirtz said the White House definitely expects the ICC to order modernized work rules into effect within 120 days after Congress passes the new law. If this expectation is realized—and it is a big if—the proposal will look less than it did like a device for endless delay in eliminating manpower waste.

Nevertheless, what President Kennedy has invited, in his eagerness to achieve the effects of compulsory arbitration without using the politically obnoxious term, is a precedent under which the ICC might become



permanently the court of last resort for disputes that defy settlement under the creaky processes of the Railway Labor Act. This unpalatable possibility results from the studied rejection by the railroad unions of all the peace formulas put forward by two Presidential Commissions, Secretary Wirtz, and the President himself.

If Mr. Wirtz' clarification of the legal remedy sought by the White House is followed by deletion from the proposed joint resolution of what could be loopholes in the timetable for imposing new work rules, fears would be diminished that the price of avoiding a strike would be capitulation to the unions through an indefinite freeze of the old manning schedules.

But any notion that the changes ordered by the ICC would operate for only 2 years or that they would stimulate collective bargaining remains a delusion. If Congress decides that the only way to protect the Nation against intolerable hurt is through coercive legislation, it would be preferable to face the need through a direct law for seizure or compulsory arbitration than through a measure that would give the ICC and other quasi-judicial administrative agencies an entering wedge for permanent control of labor-management decisions.

[From the New York Times, July 25, 1963]  
WIRTZ DEFENDS RAIL PLAN—SECRETARY OF LABOR TAKES ISSUE WITH CRITICISM OF PROPOSAL

To the Editor of the New York Times:

In fairness to your readers it should be pointed out that your two editorials on the administration's proposal for ending the current railroad dispute bear little relation to the facts.

On July 23 you asserted that "the employers are confronted with the prospect of a 2-year wait" before any work-rules changes could be made, and that this proposal "would postpone indefinitely—and perhaps forever—the elimination of unneeded train jobs."

In fact, the Interstate Commerce Commission will be asked to rule within 120 days or as soon thereafter as is practicable, and all changes approved by such ruling would go immediately into effect. Unless changed by collective bargaining, these rulings will be in full effect for 2 years, a period which in the course of recent bargaining both parties had accepted as reasonable.

You asserted that "the ICC has no special competence in this field." In fact, no other temporary or permanent body has as much experience as the ICC in dealing not only with the economics of railroad progress—and its effect on public safety—but also the job security of railroad employees adversely affected thereby. Under section 5(2)(f) of the Interstate Commerce Act, the Commission has for 23 years applied similar standards and procedures in more than 80 separate situations.

#### COMMISSION'S FINDINGS

The resolution provides, moreover, that the Commission draw upon the findings of the Presidential Commission and Emergency Board which previously reviewed this case.

You asserted that "once again the White House has knuckled under to the unions' intransigence" with "the easy way out" . . . that "can only do harm to . . . the railroads." In fact, the Association of American Railroads has unanimously endorsed this proposal while the employee spokesmen quoted thus far in your newspaper have raised objections to it.

You asserted that the administration measure is simply "another time-wasting study designed to give the unions every encouragement for continuing to veto the economies" these rule changes propose. In fact, this measure calls for specific disposition of each proposed rules change by the

ICC, encouraging and preferring collective bargaining solutions but permitting no veto by either side.

#### ENTERING WEDGE

On July 24 you asserted this measure "would give the ICC and other quasi-judicial administrative agencies an entering wedge for permanent control of labor-management decisions." In fact, this is a temporary resolution which amends no permanent statute, is confined to this one case, mentions no agency other than the ICC and is designed to avoid the precedent you mention.

You asserted that a direct law for seizure or compulsory arbitration would be preferable. You do not make clear how, under the facts of this case, you would justify seizing the railroads from the carriers, with all the legal and financial hardships that would bring. And as for compulsory arbitration, "the dangerous thing about it is that it sets a precedent of undermining the collective bargaining process"—or so you stated in your editorial of July 19.

To paraphrase Melbourne's immortal words about Macaulay, I wish I could be as certain of anything as the New York Times is of everything.

W. WILLARD WIRTZ,  
U.S. Secretary of Labor.

WASHINGTON, July 23, 1963.

Mr. DIRKSEN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. DIRKSEN. I concur quite generally in the statement made by my friend the distinguished majority leader. In a controversy of the kind before the Senate some things are often forgotten, and if it is not generally known, there ought to be a reminder to the country.

When we last conferred with the President on Monday the proposed legislation was actually not drafted. As I recall, we came away from the White House at a quarter after 12. I asked the President pointblank whether the joint resolution or bill was in draft form. Some preparations had been made, but the joint resolution had not been completed.

So within a matter of about 4 hours those who were drafting the resolution were expected to complete work on the joint resolution and then send it to the Congress.

I remember that at 5 o'clock that afternoon the majority leader himself came to my office. I entertained the hope that perhaps I could examine a joint resolution of the kind proposed so that we could conjointly submit it on the same day.

At best my examination had to be encompassed within the space of an hour.

These are involved questions. It is impossible to spell out the references to the parent act. Even now one of the members of my legislative staff thinks the joint resolution refers to the wrong section of the Interstate Commerce Act. I do not know whether that is the case, but I do know that unless there is some time given without constraint and pressure, a good workmanlike legislative job cannot be done.

I salute the carriers for this very generous concession, and particularly so because this matter has been in process for 4½ years. There have been findings

by at least three boards. Obviously, it will cost the railroads a great deal of money for every day's delay. So I salute them. I think they were very generous. But the action will enable the Congress to take a little time fully to examine the whole issue, so that a proper, correct, and, above all else, a durable solution may be found for the problem.

As the majority leader has indicated, everyone knows that seizure is no answer. It never was an answer. The Congress has never had any disposition toward compulsion.

The VICE PRESIDENT. The time of the Senator has expired. Without objection, the Senator is given an additional minute.

Mr. DIRKSEN. The minority leader for himself has often expressed a feeling of constraint in excising the word "compulsion" from his dictionary because it is antipodal to our whole concept of freedom. So now we have an opportunity to embrace a vehicle which has existed for more than 75 years, and which in that length of time has been dealing with all the problems related to public transportation, but very particularly to rail transportation. We can now take a breather. The members of the committees do not have to be sweated. I understand that the Committee on Commerce met until 11 o'clock last night. I have always had doubt about the wisdom of late meetings and the fruit thereof, because too often at that hour of the day, when one has been in legislative harness for the whole day, it is difficult to come to a sound conclusion. I remember that General Marshall once observed to the Appropriations Committee in wartime when we went to see him on questions pertaining to war that after 3 o'clock in the afternoon ideas were of rather doubtful validity. I believe that statement should be modified, because I would dislike to have such an appraisal made of some of the dinner speeches that I make around the country at the hour of 8, 9, or 10 o'clock at night, and even later.

But the fact is that at the hour of 11 o'clock the mind and the body do fatigue after a long day. We must approach the problem with acuity and sharp minds to get the right solution. So I am delighted that we have this respite. I do concur with what the majority leader has said.

Mr. JAVITS. Mr. President, will the Senator yield?

The VICE PRESIDENT. The Senator from Montana has the floor. Does he yield; and, if so, to whom?

Mr. MANSFIELD. First, I desire to make a unanimous-consent request and a statement.